

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 81964

Electronically Filed
Jun 08 2021 05:02 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CHRISTOPHER BEAVOR, an
individual,

Appellant,

vs.

JOSHUA L. TOMSHECK, an
individual,

Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF
(SECOND REQUEST)**

Appellant hereby moves for 30-day extension of time to file their opening brief and appendix, which is currently due June 8, 2021. If granted, the brief will be due on July 8, 2021. NRAP 31(b)(3). This brief was originally due June 25, 2021 but was extended by two weeks pursuant to NRAP 26(b)(1)(B) by a 14-day telephonic extension of time which was granted to the Appellant. This is therefore the second request for an extension of the briefing due date but the first such motion. No request for an extension of time has been denied or denied in part.

This is a complex appeal involving a number of parties, complex and unique issues, and an underlying case that involved a trial, a retrial and at least one complete appeal and an attempted writ and appeal. Because of these factors the preparation of the appendix has been very time consuming and lengthy.

Appellant's attorneys have been diligently working on the opening brief, but a further thirty (30) day extension of the briefing schedule is necessary for several reasons.

Thankfully, Appellant's counsel's office has not recently been directly affected by the Covid- 19 epidemic. However, several attorneys and staff did have issues with Covid that keep them out of the office and created a backlog of work and cases which have impacted the time that has been available currently to work on the opening brief.

The undersigned counsel is also dealing with non-Covid-19 medical issues that have taken him out of the office numerous times for medical appointments and treatments that have impacted my ability to work as many hours as needed. Counsel has needed diagnostic testing, followed by therapy and different treatment modalities. Counsel is still treating and is not yet working full time.

Further, one of firm's key attorneys who has been working diligently on the extensive appendix, table of authorities, and brief formatting has also been recently affected by non-Covid-19 medical work absences that have not allowed him to complete the appendices and formatting as anticipated. His absence has also prevented him from collaborating with the Respondent's Counsel to complete and submit a Joint Appendix as required by NRAP 30. He is also involved in preparation of the opening brief itself and his absences have impacted progress in the drafting of the brief.

Under these circumstances, appellant's attorneys will be unable to finish the brief by June 8, 2021. The circumstances set forth in this motion were unforeseeable and good cause exists for a 30-day extension. NRCP 26 (1)(A). Appellant's attorneys firmly believe they will be able to file the opening brief within the extended time.

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Therefore, Appellant requests an extension until July 8, 2021. This motion is made in good faith and without the intent to delay the appeal unnecessarily.

Dated this 8th day of June 2021.

COHEN JOHNSON LLC

By: /s/ H. Stan Johnson

H. Stan Johnson, Esq.

Nevada Bar No. 0265

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Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that on 8th day of June, 2021, pursuant to N.E.F.R. 7, I caused the MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF (Second Request) to be filed electronically with the Clerk of the Nevada Supreme Court. Pursuant to N.E.F.R. 9, notice of an electronically filed document by the Court “shall be considered as valid and effective service of the document” on all persons who are registered users.

DATED the 8th day of June, 2021.

/s/ Sarah Gondek

An employee of COHEN JOHNSON, LLC